

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

The Track Three Cases

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

UNOPPOSED MOTION TO DISMISS CVS HEALTH CORPORATION

Pursuant to Rule 21 of the Federal Rules of Civil Procedure, Plaintiffs Lake County and Trumbull County hereby move to dismiss Defendant CVS Health Corporation from the Track Three cases without prejudice. CVS Health Corporation does not oppose this motion.

On June 16, 2020, CVS Health Corporation filed a motion under Rule 12(b)(2) to dismiss the complaints in the Track Three cases for lack of personal jurisdiction. (Doc. 3338.) If this Rule 21 motion is granted, the Rule 12(b)(2) motion to dismiss for lack of personal jurisdiction will become moot.

WHEREFORE, Plaintiffs Lake County and Trumbull County respectfully request that the Court grant this motion and dismiss CVS Health Corporation from the Track Three cases without prejudice.

Date: August 28, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 2020, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF System. The foregoing will be served on counsel of record.

/s Salvatore C. Badala